

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION

STEVEN BROWN, et al.,)
)
)
Plaintiff,)
)
)
v.) Civil Action No. 1:22-cv-00080
)
)
THE BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS, AND EXPLOSIVES, et al.,)
)
)
Defendants.)
)

**RESPONSE TO PLAINTIFFS' STATEMENT OF UNDISPUTED MATERIAL FACTS
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Civil Rule 7.02, Defendants hereby submit this response to Plaintiffs' statement of undisputed material facts in support of Plaintiffs' motion for summary judgment, ECF No. 28-1.

1. Plaintiff Brown is a citizen of Morgantown, West Virginia, over eighteen, but younger than twenty-one years old. He has never been charged with nor convicted of any offense that would prevent him from purchasing a handgun under all applicable laws. Nothing except his age prevents him from purchasing a handgun from a federal firearms licensee ("FFL"). Brown Decl. ¶¶ 1, 3-4.

Response: Statement disputed. Defendants have no knowledge as to the truth of this statement.

2. Plaintiff Brown sought to purchase a handgun and handgun ammunition on two separate

occasions and was denied those purchases based solely on his age. Brown Decl. ¶¶ 5-7, 9-10.

Response: Statement disputed. Defendants have no knowledge as to the truth of this statement.

3. Plaintiff Brown desires to purchase a handgun and handgun ammunition from an FFL. Brown Decl. ¶ 11.

Response: Statement disputed. Defendants have no knowledge as to the truth of this statement.

4. Plaintiff Weekley is a citizen of Parkersburg, West Virginia, over eighteen, but younger than twenty-one years old. He has never been charged with nor convicted of any offense that would prevent him from purchasing a handgun under all applicable laws. Nothing except his age prevents him from purchasing a handgun from a federal firearms licensee (“FFL”). Weekley Decl. ¶¶ 1, 3-4.

Response: Statement disputed. Defendants have no knowledge as to the truth of this statement.

5. Plaintiff Weekley sought to purchase a handgun and was denied that purchase based solely on his age. Weekley Decl. ¶¶ 5-8.

Response: Statement disputed. Defendants have no knowledge as to the truth of this statement.

6. Plaintiff Weekley desires to purchase a handgun and handgun ammunition from an FFL. Weekley Decl. ¶ 10.

Response: Statement disputed. Defendants have no knowledge as to the truth of this

statement.

7. Plaintiff West Virginia Citizens Defense League (the “Organizational Plaintiff”) is a nonprofit organization dedicated to promoting the right to keep and bear arms. Its members include West Virginia residents between the ages of eighteen and twenty-one who would purchase handguns from FFLs if not for the laws and regulations at issue in this case and FFLs who would sell handguns and handgun ammunition to individuals 18-to-20-years-old but for the laws and regulations at issue in this case. Masters Decl. ¶¶ 7, 9.

Response: Statement disputed. Defendants have no knowledge as to the truth of this statement and cannot verify this information because West Virginia Citizens Defense League has not identified any particular members who are FFLs.

8. Plaintiffs Brown and Weekley are members of the Organizational Plaintiffs. Brown Decl. ¶ 2; Weekley Decl. ¶ 2; Masters Decl. ¶ 6.

Response: Statement not disputed.

Dated: January 24, 2023

Respectfully submitted,

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